

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ANDRE T. PARKER,

Petitioner,

v.

MIKE OBENLAND,

Respondent.

CASE NO. C14-5303 BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable J. Richard Creatura, United States Magistrate Judge. Dkt. 27. The Court having considered the R&R and the remaining record, and no objections having been filed, does hereby find and order as follows:

(1) The R&R is **ADOPTED**; and

(2) Petitioner failed to fairly present grounds one, two, and three under federal law by invoking one complete round of Washington state court appellate review and therefore, has not exhausted his state remedies as to grounds one, two and three.

Furthermore, petitioner has already filed one personal restraint petition and does not demonstrate cause and prejudice or a fundamental miscarriage of justice; therefore, he is

1 procedurally barred from filing another collateral challenge. Accordingly, grounds one,
2 two, and three are unexhausted and procedurally barred and the petition is **DISMISSED**.

3 (3) The undersigned denies the issuance of a certificate of appealability.

4 Dated this 30th day November, 2015.

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7 BENJAMIN H. SETTLE
8 United States District Judge
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